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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/375,005 08/16/99 SUGAHARA

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TM02/0830

EXAMINER

JANVIER, J

ART UNIT

PAPER NUMBER

2162

DATE MAILED:

08/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/375,005

Applicant(s)

SUGAHARA, YASUO

Examiner

Jean D Janvier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Foreign priority claim was denied since the foreign document was not translated into English. Furthermore, although foreign priority claim was denied, Applicant is required to include this claim in the specification section (first paragraph) in the future.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-21 are rejected under 35 U.S.C. 102 (b) for being anticipated by Deaton et Al, U.S Patent 5,649,114, July 15, 1997.

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As per claim 1, Deaton et al teach a system for providing selective incentives to a customer or "transactor" if and only if the customer's or "transactor's" shopping history or transaction history or purchase history meets some predetermined criteria, such as demographics, recency, frequency, volume purchase data, timing of purchases or purchase cycle data, brand loyalty, coupon redemption data and custom price sensitivity data and infrequent purchase data, as set forth by a retailer. Upon analyzing the shopping history data or purchase history data using a program subroutine as disclosed in figs. 18 and 23-47 or any conventional data mining technique, a decision is made, subsequent to determining the customer's purchase habits or pattern or tendencies, on whether or not the said customer should receive a selective incentive and/or be targeted for a particular product promotion. **See Col. 1: 66 to Col: 2: 4; Col. 65: 61 to Col. 67: steps 40-46; Col. 68: 8-16; Col: 71: 4 to Col.72: 58.**

As per claims 2 and 8, Deaton et al disclose a system for deciding on at least one customer's transaction habits or tendencies, **such as product loyalty or brand loyalty or product preference**, associated with at least one product type **such as coffee** listed in his/her purchase history data and subsequently providing to said customer an incentive or coupon, redeemable for a preferred product or a product used during a future transaction with a store (Col. 71: 31-45).

As per claims 3 and 7, Deaton et al disclose a system for detecting from a customer's transaction history a customer's transaction habits associated with a product type such as coffee (Col. 71: 31-45) and subsequent to detecting, providing an incentive or coupon to the said

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customer to buy a related or **new** product such as a coffee filter (Col. 71: 46-67) and upon scanning a product at the POS in a future transaction with a store, determining that at least one of the products purchased is indeed the coffee filter and if so applying the discount and finally storing the redemption data in a BCTT table in a database associated with CVC Master Controller of fig. 19 (fig. 22; Col. 77: step 1 to Col. 78: 10).

Claim 4 substantially recites the limitations of claim 2 and therefore, these limitations of claim 4 are rejected under a similar rationale. Claim 4 further recites **a product rank instead of a product type**. As per this feature, Deaton et al disclose a system for providing a selective incentive to a customer based on his transaction history. From the customer's transaction history data, transaction habits or tendencies, such as product preference, product heavily used (high ranking), product loyalty or brand loyalty or product infrequently used (low ranking) can be determined so that the customer can further be targeted (Col. 71: 31-67).

Claim 5 substantially recites the limitations of claim 3 and therefore, these limitations of claim 5 are rejected under a similar rationale. Claim 5 further recites **a product rank instead of a product type**. As per this feature, Deaton et al disclose a system for providing a selective incentive to a customer based on his transaction history. From the customer's transaction history data, transaction habits or tendencies, such as product preference, product heavily used (high ranking), product loyalty or brand loyalty or product infrequently used (low ranking) can be determined so that the customer can further be targeted (Col. 71: 31-67).

As per claim 6, Deaton et al disclose a system for deciding on at least one or more customer's transaction habits or tendencies, **such as product loyalty or brand loyalty, product preference or product frequency purchase**, associated with at least one product type **such as coffee** listed in his/her purchase history data and subsequently providing to said customer an incentive or coupon, redeemable for a preferred product or a product used during a future transaction with a store (Col. 71: 31-45). Deaton et al further disclose a system for providing a selective incentive to a customer based on his transaction history. From the customer's transaction history data, transaction habits or tendencies, such as product preference, product heavily used (high ranking), product loyalty or brand loyalty or product infrequently used (low ranking), can be determined so that the customer can further be targeted (Col. 71: 31-67).

As per claim 9, Deaton et al teach, among other things a system for targeting customers based on factors such as demographics, recency, frequency, volume purchase data, timing of purchases or purchase cycle data, brand loyalty, coupon, redemption data and custom price sensitivity. These factors are used to develop coupon lists, associated with customers' transaction habits or tendencies, which are spooled to a coupon printer for delivery to the customers at the checkout register. Alternatively, the coupon lists may be spooled to an electronic medium, such as customers' smart cards, or a store's system controller mass storage device for automatic electronic redemption on a future bill (figs. 19-45).

Furthermore, Deaton et al teach a system for providing selective incentives to a customer or "transactor" if and only if the customer's or "transactor's" shopping history or transaction history or purchase history meets some predetermined criteria, such as demographics, recency,

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frequency, volume purchase data, timing of purchases or purchase cycle data, brand loyalty, coupon redemption data and custom price sensitivity data and infrequent purchase data, as set forth by a retailer. Upon analyzing the shopping history data or purchase history data using a program subroutine as disclosed in figs. 18 and 23-47 or any conventional data mining technique, a decision is made, subsequent to determining the customer's purchase habits or pattern or tendencies, on whether or not the said customer should receive a selective incentive and/or be targeted for a particular product promotion. **See Col. 1: 66 to Col: 2: 4; Col. 65: 61 to Col. 67: steps 40-46; Col. 68: 8-16; Col: 71: 4 to Col.72: 58.**

Claim 10 substantially recites the limitations of claim 1 and therefore, these limitations of claim 10 are rejected under a similar rationale.

Claim 11 substantially recites the limitations of claim 2 and therefore, these limitations of claim 11 are rejected under a similar rationale. Claim 11 further recites the limitations of claim 2 by merely replacing **a product type with a product rank**. As per this feature, Deaton et al disclose a system for providing a selective incentive to a customer based on his transaction history. From the customer's transaction history data, transaction habits or tendencies, such as product preference, product heavily used (high ranking), product loyalty or brand loyalty or product infrequently used (low ranking) can be determined so that the customer can further be targeted (Col. 71: 31-67).

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Claim 12 substantially recites the limitations of claims 1 and 2 respectively and therefore, these limitations of claim 12 are rejected under a similar rationale as respectively applied in claims 1 and 2.

Claim 13 substantially recites the limitations of claim 7 and therefore, these limitations of claim 13 are rejected under a similar rationale.

Claim 14 substantially recites the limitations of claim 8 and therefore, these limitations of claim 14 are rejected under a similar rationale.

Claim 15 substantially recites the limitations of claim 9 and therefore, these limitations of claim 15 are rejected under a similar rationale.

Claim 16 substantially recites the limitations of claim 1 and therefore, these limitations of claim 16 are rejected under a similar rationale. Claim 16 further recites a computer program product encoded on computer readable medium enabled, when executed on a computer or processor, to perform the steps of the claimed invention as disclosed herein. As per these features, Deaton et al disclose in figs.18 and 19-45 a computer program product or program subroutine encoded on a storage medium enabled, when executed on CVC Master Controller 965, to perform the tasks described above.

Claim 17 substantially recites the limitations of claim 11 and therefore, these limitations of claim 17 are rejected under a similar rationale. Claim 17 further recites a computer program product encoded on computer readable medium enabled, when executed on a computer or processor, to perform the steps of the claimed invention as disclosed herein. As per these features, Deaton et al disclose in figs.18 and 19-45 a computer program product or program subroutine encoded on a storage medium enabled, when executed on CVC Master Controller 965, to perform the tasks described above.

Claim 18 substantially recites the limitations of claim 12 and therefore, these limitations of claim 18 are rejected under a similar rationale. Claim 18 further recites a computer program product encoded on computer readable medium enabled, when executed on a computer or processor, to perform the steps of the claimed invention as disclosed herein. As per these features, Deaton et al disclose in figs.18 and 19-45 a computer program product or program subroutine encoded on a storage medium enabled, when executed on CVC Master Controller 965, to perform the tasks described above.

Claim 19 substantially recites the limitations of claim 7 and therefore, these limitations of claim 19 are rejected under a similar rationale.

Claim 20 substantially recites the limitations of claim 8 and therefore, these limitations of claim 20 are rejected under a similar rationale.

Claim 21 substantially recites the limitations of claim 15 and therefore, these limitations of claim 21 are rejected under a similar rationale. Claim 21 further recites a computer program product encoded on computer readable medium enabled, when executed on a computer or processor, to perform the steps of the claimed invention as disclosed herein. As per these features, Deaton et al disclose in figs.18 and 19-45 a computer program product or program subroutine encoded on a storage medium enabled, when executed on CVC Master Controller 965, to perform the tasks described above.

Conclusion

Although the following references were not used in this Office Action, they were highly considered as relevant prior art. Applicants are further directed to consult this reference for more details.

US Patent 6, 014,634- here, Scroggie et al disclose an incentive distribution method conducted over the Internet where a customer can download purchasing incentives redeemable at a retail store or place orders at a location remote the retail store.

US Patent 6, 026,370-This reference constitutes a relevant prior art under 102(e).


Japanese Patents- 06119309 A, 09237265 A and 06068065 A.

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Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 8:30AM to 6:30PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric Stamber, can be reached at (703) 305- 8469. His Fax number is (703) 305-0040.

Please provide support, that is page and line numbers, for any amended or new claim, otherwise any new claim language that is introduced in an amended or new claim will be considered as new matter.

8/24/01



ERIC W. STAMBER
PRIMARY EXAMINER